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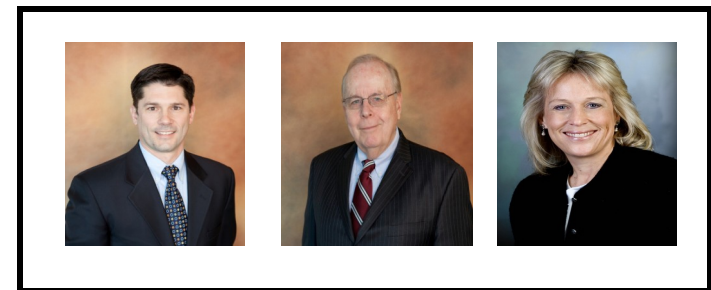
www.buckscounty.org



*Protecting Your
Business Ideas*

BOARD OF BUCKS COUNTY COMMISSIONERS

Robert G. Loughery, *chairman*
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GETTING BUCKS IN BUSINESS ©

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Editor's Note: Your feedback can help us identify the type of information you require. Email your comments to srsmith@co.bucks.pa.us and refer to this specific publication.

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Duration

Works copyrighted after 1978 are protected for the duration of the author's life plus 70 years. For works copyrighted prior to 1978, they are protected for a period of 75 years.



Database

Simple searches can be accessed through the www.copyright.gov website. The database contains information on books/music, serials, and documents since 1978. For a comprehensive search, access the LOCIS (Library of Congress Information Systems) database through the same website.

OTHER INTELLECTUAL PROPERTY

For information about intellectual property rights to domain names, trade secrets, and international intellectual (IP) property, access the U.S. Patent and Trademark Office at the website www.uspto.gov. The website www.stopfakes.gov/smallbusiness is dedicated to helping small business understand the patent process and IP issues in general.

BAR CODING

The Uniform Code Council, Inc., now known as GS1 US, assigns a manufacturer's ID code for the purposes of bar coding. More stores are requiring bar coding on the packaged products they accept to sell to their customers. The bar code is scanned by store equipment and, in turn, is transferred to a computer where sales and inventory can be tracked. To become a member and to place a U.P.C. (Universal Product Code) barcode on your product, access the website www.gs1us.org.



COPYRIGHTS

A copyright provides protection to the author of an original work from having others copy, distribute, display, or to use it to perform specific work. A copyright protects the form of expression, rather than the subject matter of the writing.

Types

Some type of work that can be copyrighted include:

- Literary
- Musical
- Dramatic
- Artistic creations
- Sound recordings
- Motion pictures
- Certain other intellectual work, both published and unpublished



Registration

Copyright registration is not required; however, two reasons to copyright are:

- Registration establishes a public record and a claim of ownership
- Registration is required prior to being allowed to file an infringement suit

In order to be eligible for copyright protection, the work must meet the following criteria:

- Originality: The work must be original and not reproduced.
- Actual Expression: The work must represent the actual expression of the author, as opposed to a mere idea.
- Format: The work must possess a tangible fixed format.

PROTECTING YOUR BUSINESS IDEAS

Intellectual property is an asset that needs to be protected. Whether you are developing ideas for products, a company or product name, you need to take some steps to make your ideas proprietary and prevent unauthorized use by others. This pamphlet outlines issues involved in protecting intellectual property. Consult with a registered patent or intellectual property attorney to help you through the process of legally protecting your ideas and property.

TRADEMARKS

A trademark can be a word, phrase, symbol, design, or a combination of all of these.

The function of a trademark is to help create a unique identity for your product or service and prevent its unauthorized use by others. A trademark right prevents others from using a confusingly similar mark, but it does not prevent others from making or selling the same goods/services under a clearly different mark.



Types

Anytime you claim rights to a mark, use the **TM** designation (for a trade) or the **SM** designation (for a service), regardless whether an application is filed. Only use the federal registration symbol, ®, after your trademark has been registered.

Registration

It is not necessary to register a trademark for it to be valid; however, there are several advantages and benefits to registering a trademark. They include:

- Nationwide notification of the trademark claim
- Evidence of trademark ownership
- Federal court jurisdiction
- Can be used as the basis to obtain registration in foreign countries

Registration may also be filed with the U.S. Customs Service to prevent the importation of any foreign goods infringing on trademark rights. An application to trademark rights is filed with the U.S. Patent and Trademark Office. Further information is available on their website www.uspto.gov. State registration is available at the Department of State website, www.dos.state.pa.us/corps. Federally registered trademarks may conflict with and supersede state-registered business and product names.

Duration

As long as the trademark is being used actively to identify specific goods/services, your rights last indefinitely. In Pennsylvania, initial registration lasts 10 years.

Database

Searching to determine that no one else is using a specific mark can be done through TESS, the Trademark Electronic Search System, available through the www.uspto.gov website. The database is also available at the US Patent and Trademark Office or at any of its depository libraries. Our nearest depository library is The Free Library of Philadelphia, www.freelibrary.org.



PATENTS

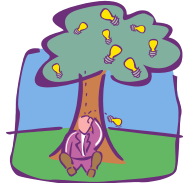
A patent is a grant of a property right, issued by the US Patent and Trademark Office, to an inventor. A patent entitles an inventor to “the right to exclude others from making, using, selling, or offering to sell” the invention in the U.S., or “importing” it into the U.S. The new invention must fill the following criteria:

- Novelty: The idea must be new and not previously patented.
- Non-obviousness: The subject matter must be sufficiently different.

Types

The three basic types of patents are:

- Utility: involves the invention of a new and useful machine or process
- Design: new, original and ornamental design for the article of manufacture
- Plant: The invention, discovery, and asexual reproduction of any distinct and new plant variety



Some things cannot be patented such as:

- Abstract ideas or suggestions
- Laws of nature

Registration

An application is prepared to the U.S. Commissioner of Patents that includes a written document of the specifications that comprise the patent, a drawing, and filing fee. A registered patent attorney is recommended to prepare the documents.

Duration

The duration of patent rights is 20 years from the date of application. After the patent expires, anyone can make, use, offer for sale, sell, or import the invention without the patentee’s permission, provided the item doesn’t have other unexpired patents. Terms may be extended for certain drugs and in certain circumstances as provided by law.

Database

The CASSIS, or Classification And Search Support Information System database includes all registered patents. It is available at the US Patent and Trademark Office or its depository libraries.